

Response to Office Action
 Ser. No. 09/632,928
 Page 5

II. REMARKS

Applicants wish to thank the Examiner for kindly indicating that claims 43 and 44 are allowed.

Before the amendments made herein, claims 1, 3 to 19 and 43 to 47 were pending. Claims 43 and 45 to 47 have been canceled herein without prejudice. Accordingly, after the amendments made herein are entered, claims 1, 3 to 19 and 44 will be pending.

A. Regarding the amendments.

Claim 1 has been amended by requiring that the R₆ position is present (i.e., not hydrogen). The amendment is supported in the specification, for example, at page 6, lines 7-10, which discloses the recited substituents at R₆. The amendment is also supported by Example I, which discloses the synthesis of numerous compounds within the scope of the new claim. In addition, because claim 1, as amended, is now identical to allowed claim 43, claim 43 has been cancelled herein without prejudice.

Response to Office Action
 Ser. No. 09/632,928
 Page 6

B. Regarding the prior art rejections.

i. Abelman.

Claims 1, 3 to 5, 8, 11 and 13 are rejected as allegedly anticipated by Abelman et al. (U.S. Pat. No. 5,670,479; the '479 patent). The Action alleges that these claims are anticipated by a reactant compound taught in the '479 patent (Example 28) where:

n is 0;

R₁, R₂ and R₄ to R₇ are each hydrogen;

R₃ is nitro;

R₈ is the formula X-CH-Y where: X is hydrogen and Y is -CH₂-NH₂.

In response, Applicants have amended claim 1 (and, through dependency, claims 3 to 5, 8, 11 and 13) by requiring that the R₈ position be present (i.e., not hydrogen). In contrast, the cited compound in the '479 patent requires that the corresponding position be hydrogen. In view of this amendment, Applicants respectfully request that this rejection be withdrawn.

Response to Office Action
 Ser. No. 09/632,928
 Page 7

ii. Lane.

Claims 1, 8, 11, 13 and 45 to 47 are rejected as allegedly anticipated by Lane et al. (U.S. Pat. No. 3,376,344; the '344 patent). The Office Action alleges that these claims are anticipated by a compound taught in the '344 patent (column 4, lines 68-69) where:

n is 1;

R₁ to R₇ are each hydrogen;

R₈ is the formula X-CH-Y where: X is hydrogen and Y is -CH₂-NH₂.

In response, Applicants have canceled claims 45 to 47 herein without prejudice. In addition, Applicants have amended claim 1 (and, through dependency, claims 3 to 5, 8, 11 and 13) by requiring that the R₈ position is present (i.e., not hydrogen). In contrast, the cited compound in the '344 patent requires that the corresponding position be hydrogen. In view of this amendment, Applicants respectfully request that this rejection be withdrawn.

Response to Office Action
Ser. No. 09/632,928
Page 8

III. CONCLUSION

In light of the Amendments and Remarks made herein, Applicants respectfully submit that the claims are now in condition for allowance and requests a notice to this effect. Should the Examiner have any questions, he is invited to call the undersigned attorney.

Respectfully submitted,

Date: October 23, 2003

David I. Spolter
David I. Spolter
Registration No. 36,933
Telephone No. (858) 459-2934
Facsimile No. (858) 459-0698

LAW OFFICE OF DAVID SPOLTER
1590 Coast Walk
La Jolla, California 92037

**RECEIVED
CENTRAL FAX CENTER**

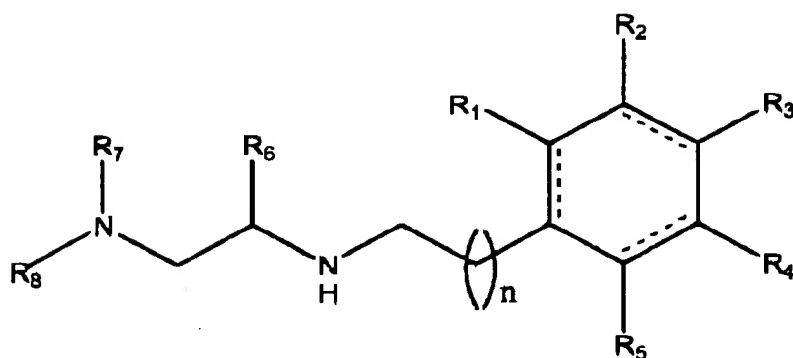
OCT 23 2003

OFFICIAL

Response to Office Action
 Ser. No. 09/632,928
 Page 9

Marked up version

1. (Twice amended) A compound of the formula:



wherein:

the dotted lines indicate that the depicted ring is selected from the group consisting of phenyl and cyclohexyl;

n is 0, 1 or 2;

R₁ to R₅ are, independently, selected from the group consisting of a hydrogen atom, halo, hydroxy, protected

Response to Office Action
 Ser. No. 09/632,928
 Page 10

hydroxy, nitro, C₁ to C₆ alkyl, C₁ to C₆ substituted alkyl, C₇ to C₁₂ phenylalkyl, C₇ to C₁₂ substituted phenylalkyl, C₃ to C₇ cycloalkyl, C₃ to C₇ substituted cycloalkyl, C₅ to C₇ cycloalkenyl, C₅ to C₇ substituted cycloalkenyl, phenyl, substituted phenyl, naphthyl, substituted naphthyl, C₁ to C₆ alkoxy, C₁ to C₆ substituted alkoxy, phenoxy, substituted phenoxy, C₁ to C₆ alkylthio, C₁ to C₆ substituted alkylthio, C₁ to C₆ alkylsulfonyl, C₁ to C₆ substituted alkylsulfonyl, phenylthio, substituted phenylthio, phenylsulfonyl, substituted phenylsulfonyl, amino, protected amino, (monosubstituted)amino, protected (monosubstituted)amino and (disubstituted)amino; and when any one of adjacent position pairs R₁ and R₂, R₂ and R₃, and R₃ and R₄ and R₄ and R₅ together form a moiety selected from the group consisting of phenyl, substituted phenyl, heterocycle and substituted heterocycle, said moiety fused to the phenyl ring depicted in the above formula such that a bicyclic ring results;

R₆ is selected from the group consisting of ~~a hydrogen atom~~, C₁ to C₆ alkyl, C₁ to C₆ substituted alkyl, C₇ to C₁₂ phenylalkyl, C₇ to C₁₂ substituted phenylalkyl, C₁₁ to C₁₆ naphthylalkyl and C₁₁ to C₁₆ substituted naphthylalkyl;

where R₇ is absent, R₈ together with the attached nitrogen depicted in the above formula form a substituted heterocycle or a substituted cyclic C₃ to C₇ heteroalkylene, wherein at least one of said substitution is the formula - D-E, wherein D may be absent or present and, if present, is selected from the group consisting of C₁ to C₆ alkylene and C₁ to C₆ substituted alkylene; and E is selected from the

Response to Office Action
 Ser. No. 09/632,928
 Page 11

group consisting of amino, protected amino,
 (monosubstituted)amino, protected (monosubstituted)amino
 and (disubstituted)amino group; and

where R_7 is selected from the group consisting of a hydrogen atom, C_1 to C_6 alkyl and C_1 to C_6 substituted alkyl, R_8 is the formula $X-CH-Y$, wherein the attached nitrogen depicted in the above formula is attached to the carbon atom of the formula $X-CH-Y$, and wherein X is selected from the group consisting of a hydrogen atom, C_1 to C_6 alkyl, C_1 to C_6 substituted alkyl, C_7 to C_{12} phenylalkyl, C_7 to C_{12} substituted phenylalkyl, phenyl, substituted phenyl, naphthyl and substituted naphthyl, and Y is the formula $-(CH_2)_n-Z$, wherein n is 1 to 6 and Z is selected from the group consisting of amino, protected amino, (monosubstituted)amino, protected (monosubstituted)amino and (disubstituted)amino;

wherein, when a) the depicted ring is phenyl, and b) R_1 to R_5 and R_7 are each hydrogen and c) R_8 is the formula $X-CH-Y$, where X is benzyl and Y is $-CH_2$ -amino, then R_6 is not benzyl; or

a pharmaceutically-acceptable salt thereof.